

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/19/08

GARY MILLER, Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

MORGAN STANLEY & CO.
INCORPORATED,

Defendant.

Civil Action No.
08-CV-3012 (AKH)

STIPULATION AND [PROPOSED] ORDER

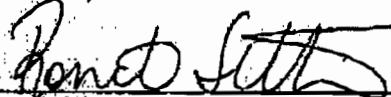
IT IS HEREBY STIPULATED, by and between the undersigned counsel for the parties herein, that:

(a) Cadwalader, Wickersham & Taft LLP is authorized to accept on behalf of defendant Morgan Stanley & Co. Incorporated ("Defendant"), and does hereby accept, service of the summons and complaint in this action without prejudice and without waiver of Defendant's defenses except as to sufficiency of service of process;

(b) Defendant need not move, answer, or otherwise respond to the complaint filed in this matter until the Court enters an order appointing lead plaintiff and lead plaintiff's counsel and consolidating this case and any related cases. After the Court enters that order, lead counsel will confer with Defendant's counsel regarding the schedule for the filing of a consolidated amended complaint, and for the filing of Defendant's response to that complaint. The parties will then file an additional stipulation and proposed order to be approved by the Court.

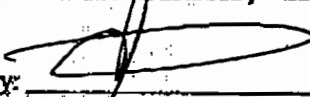
Dated: New York, New York
April 3, 2008

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Attorneys for Plaintiff

SO ORDERED: 

U. S. D. J.

5-19-08